P.F. No. 7907/97.

G. R. S. IX-5]

Previous references.

1897.

~~192~~ .

(LR

File No 110

Serial Nos. 1 to 17.

Later references.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1 to 17.

Sh. Part B for June 1900.

SUBJECT.

Appeal of Nizamat Pargana and Tangail to Kaimara Village in the Sialpaiti Tahsil, about their claim to a portion of their Service Rent-lands.

99

WD 22

Indexed

(1)

1897

No. 303

Name of Petitioner Pilliga Neerganti

Village Kaivara

Taluk Chintamani

District Kolar

Date of Arzi } 26-7-97

Date of Receipt }

Date of Disposal

No. of Enclosure nil

ABSTRACT.

Remarks to his petition dated 12th April 1897 appealing against the order of the Deputy Commr directing the registry of certain Inamlands in the name of one Doli Hemmenna who is only his grandmother while the petr is the ryot.

Petr submits that his ancestors had the said Hemmenna as gumastha giving him half the produce of the Inamlands and that by Commr had passed the order appealed against.

Prays for early disposal of his first appeal petition

28/7/97.

Submitted to Acting on 27-4-97

Submitted
28/7/97

Whats the meaning of this. Does it mean that a petn dont come on 15/4/97 is still with me? I remember having forwarded the petn & 2nd Council's Instn. Dont know if has been proper forwarded & sent back

Send back for the Records of papers in 2nd Commr's office (Petn't from Nelpik

Nanjya can't get on in this Morning way of "Nothing" & further reports

M 1/8/97

Submitted with the papers of petition No. 303 received from Nelpik by post.

2/8/97

Send back for further instructions

M 2/8/97 Not yet coming

Ask the petr to send a Copy of his petn

M 24/8/97

Reference
RK
3/9/97

3.50 of 96.
363 of 97 ● Regd. in V.L.B. 303. Notice
file sent from the Dessiatelee
today & sent up.
Sign
6/9/97

Secretariat

The petitioner has applied to the Board of Revenue by petition dated 24-1-97 &c.

17/9/97

Refer petr to Head Asst

Meanwhile will the Head-Clerk
kindly see if the petr was, as I think,
heard & Counselled. He came down
from the 2nd Court Personal Clerk

MJ 21/9/97

Submitted for signature
Dated 7-9-97
Sd

Sd/- illegible
Head Asst

RK
9/9/97

13-9-97

(2)

1897

No. 625

Name of Petitioners Pilliga and Venkata Narayanan

Village Kaviar

Taluk Sidlaghatta

District Kolar

Date of Arzi 15-7-97

Date of Receipt 27-8-97

Date of Disposal

No. of Enclosure Nil

ABSTRACT.

The petition is addressed to H. H. the Maharaja Regent.

The petitioners state that they submitted an appeal to Govt on 12/4/97 regarding the dispute between the Potters and themselves in connection with the Swami Car of the village and that it has been pending disposal for the last 2 or three months.

They pray for just orders in the case.

Reg
21/9/97

3

Addressed to Councillors

Referred

Petn for Reference (Ed) V. A. C 18/9/97

6.25-97 & 7.58-97

Refer for report

Rec'd 23/9/97

Serial No. 738 dated 23/9/97

This is a case in which the original petns are unfortunately not traceable. That the petrs have received in this office there is no doubt. and I also remember the case fairly well. The petrs' complaint is that a portion of the Nanganbirria Inam land has been placed in the possession of the Jotis as a portion of their Sanad Inam land. (A case similar to this has been posted for hearing)

Rec'd 62nd cumalle

M 24/9/97

Get all the records from the District office & then we shall see. Unless the petrs have some very reasonable excuse for not producing the original petn I will see fit to submit further information when the petn comes before me.

Great caution should be taken in dealing with these petitions.

1897 (47)

No. 799 A.S. No. 97 98 D

Name of Petitioner Tenagunti Pilliga and Tengata

Village Kyvara

Taluk Anantapur

District Kolar

Date of Arzi 18-9-97

Date of Receipt 18-9-97

Date of Disposal

No. of Enclosures Two

ABSTRACT.

In obedience to the orders passed on their petn dy 17-9-97 petrs submit a copy of their original appeal petition and a postal receipt for having posted a Regd Cover addressed to the Dewan. State that the enclosure to the appeal petn contained all the records they could produce and that if they are lost, there will be ruined. Pray that a search may be ordered for the same

C.D.R.
21-9-97.

Enclosures

① Copy of appeal petn
② Postal receipt dy 12-4-97

Proceedings of the Government of Mysore, Petition, dated 11th January 1898.

READ:—

(1) Petition of Appeal presented by nirganti Guruva of Ittangur, Anekal taluk, against the order of the Deputy Commissioner of Bangalore, affirming the order of the Divisional Officer regarding the enjoyment of the toti and nirganti inams of the village.

(2) Letter No. 530, dated 23rd October 1897, from the Deputy Commissioner, Bangalore district, reporting on the above petition.

(3) Records of the case from which the facts appear to be briefly as follows:—

Guruva and Sambuga are respectively the nirganti and toti of Ittangur. They have been, for a long time, enjoying in equal shares the inam lands assigned to both the offices, the particulars of which according to the Survey Settlement of 1891 are as noted in the margin. Prior to 1888, they used to pay the jodi of the lands in accordance with their enjoyment, but since then they have been paying the jodi of the inams attached to their respective offices. In 1894, Sambuga complained that though he was the toti of the village and paid the entire jodi of the toti inam lands, the nirganti enjoyed half of the lands. Guruva urged that he and Sambuga were cousins, that they and their ancestors had been enjoying equally the inam lands attached to both the offices, for the last 100 years, and that he was willing to pay a half of the jodi of each inam. The Divisional Officer held that as the disputed lands had been given for service, it was reasonable that each should enjoy the inam lands granted for his service, and directed that the toti and nirganti should enjoy the lands assigned to their respective services. On appeal, the Deputy Commissioner affirmed the above order. Hence this second appeal by Guruva.

Survey Nos.	Total extent A. g.	Total assessment Rs. a. p.	Total jodi, Rs. a. p.
Toti Inam.			
1,8,30 & 64	10—30	26 0 0	0 11 6
Nirganti Inam			
28,33,39 & 66	4—20	14 4 0	0 15 6

No. 6162-91—Pet.F. 33-97, DATED BANGALORE, 11TH JANUARY 1898.

ORDER THEREON.—The existing enjoyment is very old. It is not quite proper to regard such enjoyment as an act of alienation. Both the parties belong to the same caste and it is not unlikely that they are relations. The exact particulars of such relationship and the evidence to prove them are very difficult to procure and establish. On the whole, Government consider it to be equitable to continue the present enjoyment, and declare the lands in their individual enjoyment to be the respective inams of the nirganti and toti.

SREENIVASIENGAR,
Secy. to Govt. Gen. & Rev. Depts.

To—The Deputy Commissioner, Bangalore District, with records.
The Deputy Commissioners of other Districts.
The Superintendent, Mysore Revenue Survey.
The Inam Superintendent in Mysore.

Exd.—M.A.R.

1897-98

GOVERNMENT OF MYSORE

PETITION

PROCEEDINGS

Dated 11*th January* 1898

No. 6182-
Pet. F. 33-97

Declaring the lands in the individual enjoyment of nirganti Guruva and toti Sambuga of Ittangur, Anekal taluk, to be their respective inams.

M.G.C.P.B.—9-2-98—125

Presented in person
to Jeshi Branch.
Dy. C. of
16/3/98
Dy. C.
16/3/98

Refer
24.3.98

1992877 - No: 1030816-2-98 to D.C

Refer telegraph

AK
26/3/98
Subd
The record called for have not been yet received from the Dy. C. to whom the urgent reminder was sent on 16/3/98

MG
26/3/98
If not received, send the D.C. a reminder stating that the report has not been received

Reminder sent 1/4/98

Reminder received

AK

4 1152

189 8

No. 2328

Name of Petitioner Serjeant, Village Titlee

Village Nyvara

Taluk Chintamani

District Kolar

Date of Arzi 16-3-98

Date of Receipt 16-3-98

Date of Disposal

No. of Enclosure One.

ABSTRACT

On the application of the petitioners soliciting intimation as to the probable date when the records connected with the ~~inam~~ lands would be submitted to Govt. for orders of the Dy. Comr. of Kolar in his Endt: No: 40 of 25-2-98 informing them as follows:-

"The entire records connected with your case will be submitted to Govt within a week - you can appear before Govt after the

the Expiry of that period"

State that they appealed
to Govt: vide 96-97 against
the decision of the Dept: Commr
official regarding their
service Inam lands - that
they submitted 3 or 4 memorials
for all of which they were in-
formed that the records were
not received from the Dept: Commr
& that they should obtain the
Extr: of the Dept: Commr: & then
appear - & that they accordingly
appeared and secured in
reply to their petition Extr:
vide: Go dt 25-2-98 (translated)
from the Dept: Court of Kolar
Pray that the Entire records
may be perused & equitable
orders passed -

The petitioners further state
that the papers submitted
along with their petition
may be returned when no
longer required

22/3/98

6

Before the Government of Mysore.

Appeal No. 87 of 1897-98

Appellant.	Vs.	Respondent.
(1) Nirgant Pillya (2) Venkatya		Tati Hanumantha

3-10-98.

Adjourned to 10th October 98.

Appellant present

Respondent's Svo present,

Counsel &

M-C^r - "Is there not separate Inam for the Tot & Nirgant?"

Nirgantis claim a portion of the Totiham

Survey settlement in 1885-86

Apptts " Svo 231 in dispute.

1/2 of this belongs our pos^n

& 1/2 of it to the resp^t pos^n

7

[illegible]

[illegible]

[illegible]

Translation of a letter no.
dated 31.5.1945 from Captain
G. Hirner Superintendent of
Bangalore Division to the
Commissioner Nilda
of Anbajidrug Taluk.

In your Urzi No: 104 dated
24.5.1945 submitted after
due enquiry into the matter
connected with the dispute
relating to the office of Diss
Jauti between Sri Kempa
of Kyavara & Nergani Dom
Plaintiff & defendant pres-
pectively it is stated that
the plaintiff is entitled
to an equal share in Hur
as his grandfather was
adopted by the ancestors of
the defts, that the Plaintiff
should continue & look after
the duties of the Shanbo

the Surname between the two
that the ancestor of the
defendant had employed a
Sumasta for performing
the duties of Purjanki on
condition of the officiator
Purjanki getting one-third
of the Surname the remain-
-ing two-thirds being divided
equally between them; that
the Sumasta died 30 years
ago, & that since then the
defendant has been looking
after the duties of Purjanki
Enjoying the hak-

From the above it is observed
that the defendant seems to
have been performing
the duties of Purjanki &
Enjoying the hak ever since
the death of the said Sumasta
which took place 30 years
ago.

~~It is therefore ordered~~
Hence,

10

2/

Hence it seems reasonable that the Clerk to the office should be enjoyed & the duties thereof performed as heretofore.

It is therefore ordered that this should be intimated to the complainants through the panchayatdars and that the Manual which has been of long standing should be allowed to continue.

CA
13/10/98

The arrangement seems to be this: The Nizamat is to get the whole of his emoluments hereafter though about 30 years ago the Jotdars were in joint enjoyment of them emoluments. But the order does not say whether the Nizamat is to have any share in the Jote emoluments. The Jote

12 Preen.

Petition No. 7-99 dated 18th Sept. 1899.

Petitioners:- Pillaiya and Vakkaiya Nilagaratte of Kairawa, Pallegama Estate.

1 Subject:- Appeal against the order of the Deputy-Commissioner Kalutara District, dismissing the Petitioners application of S. No. 23 Exit from land, of Kairawa village, which was in their enjoyment, and handing it over to the Estate of whose Estate it forms a part.

— o —

The facts of the case are as follows:-

Received 18 3-12-99

2 On 3rd December 1898, Kaluwanatta Estate of Kairawa submitted a petition to the District Court complaining that the Petitioners of the village had been enjoying by force, a portion of his Estate land situated near Kolazamma temple, that they refused to give it up, that the Estate proprietor

complaining

been
paying the ground-rent on this land
and was also doing the duties of the
lot. He prayed that his own
land might be rented to him
without any molestation from the
Arigadu. The Deputy Commr
forwarded this petition to the Amildar
with the observation that each person
should be given to the servant
to whom it had been granted.

3 Ca 6.6.94 Hanumantaya submitted a petition to the Amildar saying that his former petn had been sent to the Amildar for disposal and prayed that as it was the cultivating season his land might be restored to him. The Amildar forwarded this to the Lekhar and directed him to inspect the land in person, and ascertain the reason why the Arigadu had encroached upon the Lotis land, and to inquire into the matter in the presence of both parties and by referring to the accounts, to warn the Arigadu from encroaching on the Lotis land in future, to obtain the

First No. 23 6-6-94

8 6.6.94

signatures

signatures of the parties declaring the undersigned to make a report on the matter.

8-6-04 4 In reply the declarants said the depositions taken by him from the Sole, the Nirgauti and the Shanbhog

12-6-04 5 The Sole stated that the Nirgautis had been enjoying by force a portion of his service Inam land in S. No. 231 and that their possession extended to about half of that meadow, the other half being in the Nirgautis possession, that he himself was paying the cess of this land from time immemorial and that he was also performing the Sole duties & that there was no dispute in regard to 2 other Inam lands which was in their possession

17-6-04 6 Nirgauti Pilya admitted that he was enjoying a portion of S. No. 231 but stated that he did not know how the Nirgautis came by that land, that they never paid its cess (local cess) which was always being paid by the

by the Lotis, that there were records in the Cutcherry, regarding the possession of the Lotis land by the Nirgantis and the ~~Lotis~~ Nirgantis by the Lotis, and that he would abide by any decision that might be passed in accordance with these records, and that they would produce the records which they had, before the Cutcherry.

7 The Headboy was stated that the Nirgantis were in possession of about half of S. No. 231 Lotis land and that the local cess of the land was being paid by the Lotis and that he did not know how the Nirgantis came by that land. X 16.6.94

The Detdar in submitting a report on the above facts stated that the Lotis stated that in the Army settlement his elders were doing the duties, that after this he three complained that the land in question belonged to him and that 18.6.94

the Nirgantis who were formerly had been enjoying the land & and that they refused to give it up.

8 Thereupon the Amildar observed that from the deposition of the Nirgantis it appeared that from the very beginning each had something to do with the other's Inam land and that the depositions taken by the Sekdar were not explicit.

9 On 20th June 1874 Loti Hanumantaya submitted a reminder petition to the Amildar.

Serial 1 & 3 dated 20.6.94

10 About the same time Pillya Letters, Nirgantis of the village also submitted a petition to the Amildar stating that the right of the office of Loti and Nirganti and the right to Madiga Kiraya were in their family, that the case of dead dogs and similar other duties having been attached to the office of Loti the latter was

No 43 - 6.94

debarred from tracing the
Karaga pool, that consequent
upon this their ancestors appointed
one Binima father of Kanja
(Respt Hanumantaya's father)
to do the Loti duties, that at
the same time an arrangement
was come to by which one half
of the emoluments attached to
the Loti was to go to the Nirgunti
and that in return for a
fourth share to the Loti in the
emoluments attached to the
Nirgunti office, that this arrange-
ment continued, that on Kanja's
complaint in 1871 the Dist Supt
ordered the continuance of the
above arrangement and that
later on by Comm^r Mr^r
Kriolhuniger in his order
No 2488-6-65 ordered the
continuance of the usual
arrangement. They prayed that
these four Loti Hanumantaya might
be directed to abide by the usual
arrangement

$\frac{N}{4} + \frac{1}{2}$ 3rd
$3\frac{1}{2} + \frac{1}{2}$ 4th

On

On 4-7-96 the Amildar examined the parties before him.

S.No.83 4-7-96

10. In their depositions the Inti Hanumantapa + Naga Nayaka stated that no lease was allowed to the Nirgantis out of the Inti Inam lands as alleged by the Nirgantis, that they did not like, neither liked to give a half share out of their own Inam lands to the Nirgantis nor to receive from the latter a fourth share out of the latter's Inam lands, that they themselves were paying the local cess, that out of 5 members forming their Inam land only 2 portion of S. No. 231 was in the possession of the Nirgantis, that they were doing the Inti duties for the last years respectively, that till the Survey settlement the whole of their Inam lands were in their possession, that only after the settlement Pallegara others

[Note Survey Settlement was introduced into the Taluk in 1885-86]

and others forcibly took
possession of a portion of
S.No.231 included in their Inam
patta and that at no time
did either the Virganti or the
Loti enjoy a three hor 2 share
of the produce of each other's
land -

We the Virgantis, Pillai & Vellalas, stated that they had been enjoying
the land S.No.231 from time immemorial
that the Government is being paid
by the Lotis, that the Lotis were
also enjoying a fourth share in
their service Inam lands
the Government of which was
being paid by the Virgantis
and that they gave it up since
the famine of Bhatta & Sowara,
and that as they (Lotis) failed
to give a half share to the Virgantis
out of the Loti Inam lands the
latter had been enjoying the
whole of the Virganti Inam
lands to the exclusion of the
Lotis, that none of the lands

V.No.83 4-7-94

[1875-76 & 1876-77]

had been divided, that on
the produce was being divided
between them & the Lotis and
vice versa, and that in a
dispute which arose one fourth
of one of the numbers viz S. No.
231 came to their possession
which has been in their en-
joyment. They further stated
that they were willing to give a
fourth share out of their lands
to the Lotis in return for a
half share out of the latters
Inam lands.

No. 108 11-8-96 13 On 11-8-96 the Mamledar
stated that he had an experience
of 12 years, that the Nirgunti and
Loti Inam lands were being
enjoyed by the respective parties
but that the Nirgunti were
enjoying an extent of 1-38
out of S. No. 231/A Loti Inam,
that he did not know how the
case by it, that the local
cess of the Inam lands was
being

being paid by the respective parties and that no joint was entered against any of these Inam lands.

11 The Patil stated that he had an experience of about 20 years that Virjanti Pilja Kothera were enjoying one half of S. No. 23, Sati Inam, that the Sati never enjoyed a fourth share of either the Inam lands (or their crops) attached to the Virjanti service, that besides S. No. 23, the Virjantis never enjoyed any other land and that their enjoyment was extended over a period of about 20 years and that he did not know how the Virjantis came to be in possession of that land.

Said No. 11 gives the following particulars regarding the Virjanti Sati Inam land.

Five survey numbers are shown as Sati Inam as per particulars shown in the margin of which 1-38 | nt of S. No. 23 in the Virjantis' enjoyment, but the Kool and

No. 7 Pl. 1-8-98

S. No.	Extent a g	Description	Assessment
116	3-3	Dry	5-8-0
"	0-36	Garden	3-8-0
230	1-15	Dry	2-0-0
231	2-38	-do-	5-0-0
327	1-23	Black	1-0-0
382	0-16	-do-	2-12-0
	10-11		29-12-0

and Irrigation cesses of all these numbers are being paid by the Lotis.

Six numbers comprise the Virgaut claim as per details shown in the margin. All these are in the Virgautta' enjoyment who also pay the local Irrigation cesses on these numbers

S. No.	Extent A. G.	Description	Assessment
299	0-10	Wet	1-8-0
338	0-3	Do	0-8-0
350	0-5	Do	0-12-0
378	0-30	Do	5-0-0
390	1-20	Do	7-8-0
408	0-9	Do	1-8-0
	2-37		18-12-0

Copies of the Bandobast Register of 1864 and the Wasilbaki Jabita do not make any mention of the rights of the Lotis and Virgauts and non of the enjoyment by the Virgauts of any Inam land attached to the Loti Service.

Ferist No. 1213

Ferist No. 2383-8-94

On 3rd August 1894 Lali Hanmanta addressed a petition to the Dy Comm^r praying for the early disposal of his case. This was forwarded to the Amildar for early attention with the remark that the Inam land should be in the possession of the officiator and his hissedars.

Ferist No. 2469 12-8-94

On 12-8-94 the Amildar submitted

submitted the records to the Deputy Commissioner and a report of the facts of the case. The Dy Commr forwarded this to the Govt Agent for disposal Eastern Province Commr who passed the following order:-

17" The Petitioner his before the Arbitrator stated that to his knowledge, the Vergantis have had these 20 years the enjoyment of a portion of No. 231. If this is to be accepted as true, I would like to know under what circumstances the Vergantis got into an enjoyment of a portion of the land admittedly belonging to the Lots and why the Lots did not seek to exclude the Vergantis from such enjoyment earlier than this. Did the Vergantis come by that enjoyment by any arrangement with these Lots or their predecessors in title or during the year of immature understanding of these Lots? Is there any relationship between the Vergantis and Lots and if any how are they related?"

S 425 19.9.96

24

In reply to the Arbitrator's invitation the depositions of the Sakkiliyan Nirgantu.

1st The 1st stated that the enjoyment of the Iruppu land in question by the Nirgantus did not extend over a period of 20 years, that the latter had been enjoying the land by force only after the Kandyan settlement, that there had been Kadaimai to this effect, that there was no relationship between the two castes but that both of them belonged to the same caste.

S. No. 143 28-9-96

2nd Nirgantu Pillige stated that from the time of his elders he had been in the enjoyment of the Iruppu S. No. 231, that he had no karar left with him to this effect, that he had not been enjoying the land by force, that there was no relationship between him and the 1st but that both of them belonged to the same caste.

S. No. 157 28-9-96

3rd The Arbitrator having submitted certain questions regarding the speedy disposal of the case.

21 Thereupon the Govt Asst observed as follows:-

"Not separate Grants have been allotted to the Natives. Virgants office is evident from the statements of the Chandhry and Patil. The lower accounts also make mention of separate Grants. The Virgants enjoy a portion of Sl. No. 231 Lot Gran and when questioned say that they are entitled to a half share in the Gran Inam for a fifth share forgotten to the Lots out of their own service Inam land that this has been in their respective enjoyments. In spite of their allegation they produce an order of 1865. But their alleged rights are not now in force with the exception of the Virgants' possession of a portion of only one which is suspicious, and of the Lands, whereas the order of 1865 says that the Inams should be continued. The papers are accordingly forwarded to the Dy Comm for revised order."

22 Soon after this the Virgants & the Lot inducted remarks, pers

urging the speedy disposal of the case.

23 On 10-4-95 the Deputy Commr called for the records of 1865 and copies of the petn and the order of 1840. He also directed the Amildar to fix a date and the parties before him on that date.

By 10-4-95.

24 After some correspondence copies of the Kolar Asst Deputy Comm's order No. 1958 24-3-1865 and the Amildar's reply thereto and the Bangalore Division Supt's order No. 1178 31st May 1865 were received in the District office.

(a) The Nirup of 1865 which is in Marathi seems to state that there was an adoption from the Soti family to the Nirgunti family that the Soti Miras was being shared by the Soti and Nirgunti, that a Gumasta had been appointed to do the Nirgunti duty the Miras allotted to which

Vide Kannada translation in Serial No. 29

which office was being equally shared by the Soti, the Nigarti and his Gumasta, that after the Gumasta's death, 30 years before, the Nigarti took up his duties and enjoyed that half. The Salt concluded in his order that it was fair that the officials should enjoy the fruit and do the duties that the practice had been going on for 30 years should continue.

(b) In his order of 12th ult. dated 24th March last, the Dy-Supt called the Amildar to report if the case had been disposed of at any time previously, and if so why that order had not been carried out.

(c) In reply the Amildar reported that on Ramji's complaint the Supt had disposed of the matter in his order of 8th ult. & 31st May 1872, that at his (Amildar's) enquiry it was learnt that the Nigarti was enjoying 3/4 of the Inam and allowed 1/4 to the Soti and took half from the latter's share said

In March 1865 Soti Ramji petitioned the Dy Supt stating that he & another Hanuma (other) were hereditary Soti, Nigarti and Karaja offices, each getting possessing a Vaji Vati, that he was doing the Soti duties while his associates were doing the Karaja duties, that a Panch had been appointed to the Nigarti office that half the Inam allowed to the latter's the Gumasta & the remaining half shared equally between him & Hanuma that after the Gumasta's death the duties were done by his adjunct & the Inam allowed to the Gumasta also taken away by them, that they would not allow him a half share though he proposed it, that the duties by his own men, that the inquiry was carried on & panchayet by which both of them had to do the duties by a Gumasta & share the Inam equally that the Nigarti failed to abide by this decision, that they being powerful deprived him of the Inam which he ought to have got as a Soti and that they were harassing him in all sorts of ways.

He prayed that either both parties might be given a half share in both the Soti and Nigarti Inams or that both the Soti and the Nigarti might be allowed to do their respective (1845) duties & enjoy their respective Inams.

In his deposition 23-8-65 Soti Ramji states that he & the Nigarti were doing their respective duties, that neither of them did the other's work, that as the Nigarti was getting one half of the Inam attached to the Soti office he should also get a half share out of the

Nigantè nirasi, that the Nigantè were unjustly enjoying ⅔ of the Nigantè nirasi and giving him only ⅓, that he had been fighting wars for 20 years without any aid and that if the Nigantè refused to give half of the nirasi attached to his office each of them might be allowed to do his own duties and enjoy his respective nirasi.

The Nigantè stated that for the last 20 years the arrangement was that the Toti should enjoy one-half of the nirasi attached to his office & a fourth of that of the Nigantè office while the Nigantè was kept on behalf of the Toti allowance (nirasi) and ¾ of the Nigantè nirasi, each doing his own duty; that he did not like to give an equal share to the Toti out of the same Nigantè allowance, and that he did not like to retain the office if he was asked to give one-half of the Nigantè nirasi to the Toti or if each was asked to enjoy his own share (shak).

Yanda Dreams and Toti Nyama of Kisii who were called as witnesses by the Nigantè stated that both of them were for some time the cultivators of the Nigantè shamba and that both of them were giving ¼ th + ¾ ths of the produce to the Toti + Nigantè respectively.

On further examination the Toti said that the Nigantè yamasta was getting a half share out of the Nigantè nirasi and that the remaining half was shared equally between him and the Nigantè.

Nyo — ½ N
Nir — ¼ N
Jot — ¼ N

Court, that they were doing their respective duties, that in spite of this they had been sharing the land as above, that the Toti contended that the half of the respective offices should be left to the officiators, that the Nigantè was unjustly enjoying a larger share since the death of the yamasta and that his complaint had not been equitably decided. He prayed that he may be allowed to enjoy his half undivided.

The Deft (Nigantè) pointed out concerning to this arrangement contended that the arrangement which lasted till the previous year should continue. The Nigantè added that consequent upon this the matter dispute though disposed of still continued that none of the parties consented to the others views and that the dispute would not terminate unless

unless the officiators were allowed to enjoy the full benefit of their respective offices.]

25 The parties were directed to appear before the Dy Comm^r on 6^th November 1875.

26 On 21^st March 1876 the Offg. Deputy Comm^r M.N.B. Ayyangar passed the following order:-

Ferishta 8 & 32 Sy 21-3-76

The record does not show that the Lts and Sirgaits were in the divided possession and enjoyment of each others' lands. The Lts are not in the enjoyment of any of the Sirgaits Inam lands as alleged by the latter allege. On the other hand the Sirgaits themselves enjoy the whole of their Inam lands. As the two offices have separate Inams allotted to them and as the respective parties themselves are conducting the duties of

their own office there is no
reason why the Virgauts
should enjoy S. No. 231 out
out of the Lot Inam land,
and its possession must be
ceded to the Lotis. The Virgauts
should be warned not to
meddle with this land again."

47 This order was carried out
by the Amildar and the Lotis
was put in possession of the
land by the Sirdar on the 15th May 96.

48 The Petitioners who are the
Virgauts have appealed
to Govt against this order,
their various applications having been
rejected by the Deputy Commr
on 14th July 1896. In this appeal
the Petitioners urge no new grounds
other than what they stated
before the Amildar. There

Revised at No. 31 + 31/3 + 31/2

appeal was submitted to
Govt on 12th April 1897.

29 On 1st Oct, 97 the Dy Comr
was asked to submit the
entire proceedings including
the records of 1845 and 1850.

30 These records with the exception
of an extract from the register
of 1865 are not
in the file. The Bengal Govt
Suptd order of 1845 is in the file.
In his letter - No 3441 dt 29.4.95
the Dy Comr forwards the
records with a report of the
facts of the case.

[Note. The Survey settlement
of the Siddaghata Estate was
made in 1885-86.]

Blen
30/4. This case is not on all
fours with the case decided
in G. No 6182-91 dt 11/4/98
Pet-33-97 pulp
of which a copy is

In the latter case the unauthorized employment was found to be "very slight" but in the present case, the D.J. comm'r's order begins by stating that the record does not show that the migrants was employing a portion of the Indian land

But the entire record of 1863 has not been sent, though the D.J. comm'r was specially requested to do so, and it is not clear what was decided in 1863.

It seems desirable to call for further information on this point, though in the report the D.J. comm'r states that the "employment of the land is undisputed by the petitioners admitted" the fact is as far as the records go, the C-petrs do not admit any such thing & the D.J. comm'r

Who decided the case recorded 35

No such finding

2 The case must be listed for hearing after the full records called for are received

14/5/98

I. Court in Prov. C.O. 3016 dated 13.10.98, observed that all the facts necessary for the right determination of the matter in dispute had not been clearly elicited by the enquiry made in this case and that the Dy Comr who passed the order appealed against had not referred either to the Supdt's decision of 1864 or to the Dy. Supdt's order of 1865 which refer to some enquiry by which the Mirasdar was enjoying a portion of Inams and other perquisites attached to the Toti Service and to the rejection of the prayer of the Toti for the removal of this anomaly or for a share in the Mirasdar emoluments. Court accordingly remanded the case to the Dy Comr for a detailed enquiry and

on the following points

(1) What exactly was the arrangement - the continuance of which was sanctioned by Captain Haines in 1865?

(2) Is this arrangement the same as that referred to in the proceedings of 1865 which refer to same joint enjoyment of the lands in question and if not when was the former superseded by the latter?

(3) What was the mode of enjoyment of the Inam lands under terms of the above decision? (ie, were the Inam lands held separately in shares or was merely the produce divided, the lands being held in common?

(4) Who has been in actual possession and enjoyment of S. No. 231 for 12 years prior to the dispute of 1893?

(5) The Collector was also asked to submit the Sub's final

final orders on the Builder's 3
report no 79 dated 2[illegible]th
May 1865 and if necessary
to examine both the parties
and to submit such additional
evidence as might be
necessary.

III The Collector in his
letter no 233 dated 15-7-99
has forwarded a copy of
the Govt. Revenue No
165 dated 11th June 1899
submitting the further
information called for
regarding query No (1) i.e.
reported that in 1845 Adi
Kempa complained against
Nirgunti Hubbu that he
later did not regularly
pay to him mirasi ac-
-cording to the shares
held by him; that the
Builder of Hubbalaong
Zabuk, to which the village
been belonged, reported in
his letter no 104 dated 24-5-45
that the father of the one
mentioned Nirgunti Hubbu,
adopted the grand father
of Tolu Kempa, that they
were enjoying the mirasi
of the Pole office in equal
shares, that the Nirgunti
having found the work

heavy apprentice agreements; that the subsistence money due, 1/3 rd shall be received by the guinastha and the remaining 2/3 rd divided equally between Goti and Nirganti; that after the death of the guinastha no one was appointed in his stead, the duties being performed by the Nirganti; that the Nirganti are greatly in favour that 1/3 rd share of the guinastha, that Goti keeps contented that as the Nirganti enjoyed an equal share in the mines, he was in return justly entitled to enjoy 1/2 a share in the mines of the guinastha, or that he might be allowed to enjoy the mines attached to his office as the duties attached to each office were being performed by them; that on his Captain Hamier passed an order No. 117 dated 31.5.85 directing that the Nirgantis were entitled to the mines inasmuch as they had been performing the work of Nirganti office for the last 2 years (ie) ever since the dealing by the

(F) Papers re 38 (1st Vol file)

gumma a kia.

As regards query (2), the Asst Court reports that the matter was again in 1865 agitated by the tohas when the then Court gave an order directing that, pain to adhere to the previous order, and that therefore the arrangement ordered in 1865 was in accordance with what existed in 1845.

As regards query (3) made by enquiry the said Court reports that it is evident from the statement of the parties taken on 4.7.94 before the Assistant of the Siddapuhia Taluk that the produce was being divided between themselves in the proportion of shares held by each, the last sharing held in common; that this fact is corroborated by the statement of one Nanjanna Patel of Kalyana (made on the 26th May 65), who was the cultivator of the Kilgani Inam land at the time.

As regards query (4), it is reported that, the sharing

on 21.4.99

and patel of the village deposed before the trial Court that one Kalaga s/o Lalu out of S.No. 231 (in question) measuring 3 Kilaga was being enjoyed by the Nigam's from a long time and that the land was made over to the Zoli 3 years ago as per orders of the Hy Court appealed against; and that when the Zolis had deposed that the whole of the S.No. was in their possession and enjoyment since their boyhood.

(A) Papers Nos. 24, 25 and 26 in the last portion of the 1st vol. file.

The trial Court further reports that an Enquiry was issued to the Zolis on receipt of the Khajgadungs Amildar's report No. 77 dated 27.8.65 to adhere to the previous order issued on the subject in 1965.

27/7/99

The Asst. Comr's report dtd 2nd clear up all the points specified in the Spl. order calling for further report

In fact the ans Comr's report does not at all refer to the 4th point in the first order. while it does not clearly furnish the answer to the 1st point

There is no use in stating that the Chairman of a Board may be unless the ans Comr expresses a finding on the point

Hy 4/9/88

There is no use bothering these people with further queries. The ans Comr has had no evidence relating to what is meant by "season". He says the employment is a long one but may not be that by his report finding there is evidence of the

[illegible]

to rise from the
mutual agreements
made during the time
that the Rights were
being shared between
them. As remained
above the present finding
is that the agreement
by virtue of section
7 Succession No 237 of the
Succession Act Cap
Revised Laws of Kenya
[illegible] of the Law of
Succession Act and
Constitution. It is
declared that the
applicants and the other
beneficiaries
Their agreement
before they were processed
by the Land Registrar
in 1978 but before the Land finding
Registrar transferred the parcels
of land.

11/9/2017

11/9/2017

Mombasa this 9th day of January
2018 agreement regarding
in the estate should be
upheld and honoured by all
the beneficiaries and the
parcels

44

In G. Regs. - Nos 1404 & P.779-97 /

20/7/99 the Dy. Comm.r was asked to submit a finding by himself on each of the issues remitted with G.R. Regs: Nos 3514 P.779-97 & 18/10/98.

In replying the Dy Comm.r reports as follows:-

Issue no. 1. The continuance of the arrangement ordered by Capt. Haines was that the Sirgantis should enjoy the inam which they had been enjoying since the death of the Gumasta i.e. 2/3 share of the Nirgunti Inam, the remaining 1/3 share being left to the Sole.

[N.B. It is not clear whether the order also ~~[illegible]~~ allowed the continuance of the enjoyment in equal shares of the Sole Inam lands.]

Issue no. 2. Yes. No alteration

or modification or inspection
was made in 1865.

Issue no. 3. This is not very
clear. It appears from the
Appt's deposition dated 4th Aug'94
before the Asst Collr of Sidhpore
that the produce of the land
was being enjoyed in proportion
of their shares, the lands
being held in common, and
that the Soti enjoyed ½ share
in the Soti Inam and ½ in
the Nirgami Inam. This
allegation is supported by the
statement of Nanjiana, the
Patel of the village, dated May 1865.

Issue No 4. The Chanchhoj, the
Patel and the Nirgami state
that prior to 1893 S. no 231
was being enjoyed conjointly;
but the Soti denies that the
Nirgami ever enjoyed
any part of S. No 231. He
(Soti) admitted that the
Nirgami ploughed up a

part of S. no. 231 and allowed it to lie fallow. From this it can be fairly presumed that the ~~Kingists~~ were enjoying a part of the land in question. The patta stands in the Vakils name.

[For how long ~~the~~ prior to 1893 the Kings-
-ants enjoyed S.no 231 is not clear.—

As regards the informa-
tion asked for in para 3 of the Govt Regs of October '98 the Dy Commr states that Mr. Krishnaiyengar, ~~Asst~~ issued no separate orders to the Talati or Amlajidar. Amildar's report no. 79 dated 27th May 1865 but ~~that~~ it is simply noted on the report ~~that~~ under his initials that endorsement ~~was~~ ~~was~~ was given to the ~~petitioners~~ petitioners direct. It that no copy was filed with the record of the case.

Rlbr
19/1/00.

The D Comr's finding on the last issue seems to settle the question. The enjoyment by the appellants of the Land in question (1a 9 - 38 out of Sho 231) having been proved & the D Comr's order appealed against will have to be reversed

22/2/00

4:8

Before the Government of Mysore.

Appeal No. 87 of '97-98.

Appellant.	Vs.	Respondent.
(1) Virgunti Pillaya (2) Venkatta	Kairra village Siddaghatta Taluk (Now Chintamani Taluk)	Jote Hanumantappa of Kairra village

Claim & 1-3 stat

Subject:— ~~Injunction restraining plaintiffs~~ of S. No. 23 of Kairra village, a portion of the Jote service Inam land which the Virgunti Pillaya & Venkatta ~~but~~ in the enjoyment of the Virgunti. Sec 221 (a) of Rent & Rule XLIII of the R Rules

Posted 5th to 3rd Oct

Sub to Dr Crawdler

My 30/9/98

9966

Petition report from D.C. (Circle 233/97 dt 5/7/98)

P. J. O.

Reposted for hearing on 11th Sept. 1893

Subd by Sr Counsellor

1/9/93

The findings of the Dy. Commr. received.

Case reposted for hearing on 26th March 1900.

Subd by Sr Counsellor.

19/3/00

Subd by R. C. Edgar.

20/3/00

21-3-00

664

50

4

Before the Government of Mysore.

Appeal No. 87 of 97-98

Appellant. Vs. Respondent.

(1) Nirsanti Pillai
(2) Venkatiga } Kaivara village.

Chintamani Tk.

Toti Timmanalaiya

11-9-99

Appts & Respt present

Appts - We were enjoying a portion of the Toti Inam.
The Totis were enjoying a portion of the Nirsanti Inam

Resp. Counsel - (The Asst Comr should have recorded definite findings on the points referred to him. Even now if it is necessary to refer the matter to Asst Comr the Asst Comr should have recorded his opinion).
As regards the case: The existing possn should be legalized. There is no appeal as regards performance of duties.

Respt - Appellants for how many years the appellants have been in the possn of the lands in question

Central Jail Press, Bangalore—7-7-99—208

5 L

Call for a destined finding by the Ld
Court himself on the 4th issue
and costs on the other issues. (Not necessary
to Respt)

Ld 11/9/99.

26-3-00

~~Notice not returned~~
Since returned served
Parties present

1st Ct (for Respt) — The Dist Ct (& Asst Comr)
have found that the possn
has remained for a long time
with applts

he pulls in his name

The finding is wrong

The Dist Court's order to be reversed
order to be prepared giving the facts

Ld 26/3/00

Draft dated
28th
30/3

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT
RECD. ON 26 JUL 1947
DATE 26-7-47

Reformer
26/7/47:

Rec. 625

Received from Policy with his No. 24/23-8-97 dtd 27/8/97

53

42

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT
REC'D. NO. 625-R
DATE 27-8-97

To
The Hon'ble Diwan Bahadur
Chairman
Mysore Representative Assembly
Bangalore

Sir,

I have the honour to submit the following petition for your favourable consideration and necessary action.

That I am a resident of Bangalore City and a Graduate of the Madras University. I have been practising as a Pleader in the Bangalore Courts for the last 12 years. I am a Member of the Bangalore Municipal Council and have been elected to the Representative Assembly by the Bangalore Municipal Council.

That I am a Hindu by religion and belong to the Brahmin community. I am married and have a family consisting of my wife and two children. I own a house in Bangalore City and have a small income from practice at the Bar.

That I have been a regular attendant at the sessions of the Representative Assembly since its inception and have always taken a keen interest in the proceedings. I have noticed that the Assembly has been functioning for the last few years without any substantial change in its constitution or powers.

That I am of opinion that the Assembly should be given more powers and that its constitution should be changed so as to make it more representative of the people. I have therefore drafted a Bill for the consideration of the Assembly and have the honour to submit it herewith.

That I have also drafted a Bill to amend the Mysore Municipal Act, 1887, so as to enable Municipalities to levy a tax on professions, trades and callings. I have the honour to submit this Bill also herewith.

That I am willing to explain my views on these Bills to the Assembly or to any Committee that may be appointed to consider them.

That I have no other means of redress except by petition to your Honourable Assembly.

Wherefore I pray that your Honourable Assembly may be pleased to take the above matters into consideration and to pass such orders thereon as may seem fit.

And for this act of justice I shall ever pray.

Bangalore, 27th August 1897.

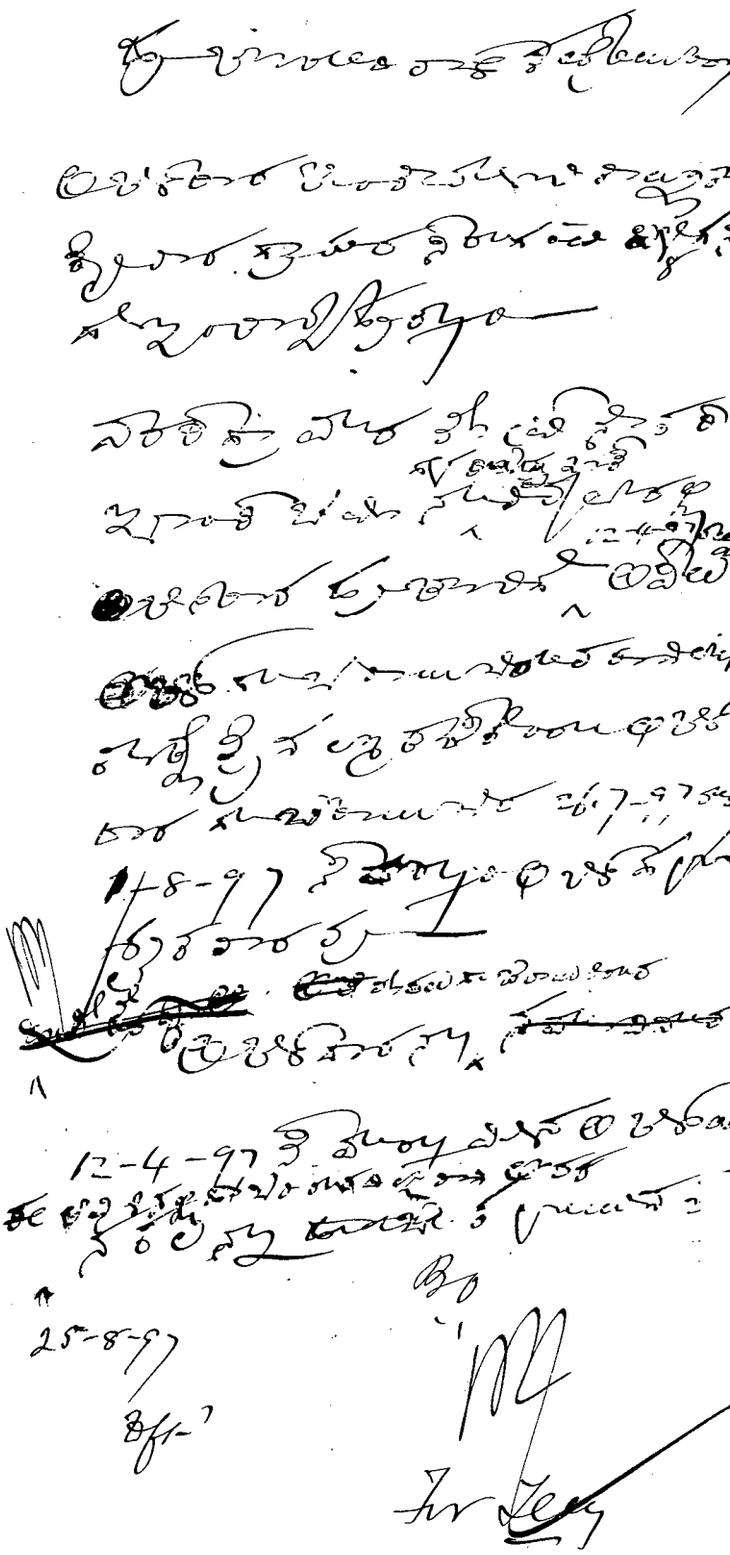
I have the honour to be,
Sir,
Your most obedient servant,
[illegible]

Enclosures:
1. Draft Bill to amend the Representative Assembly Act.
2. Draft Bill to amend the Mysore Municipal Act, 1887.

12-1-12

5-4

27-8-97



Presented in person on 18/7/97

No. 799

35

18

55 No camp Pet Encl. 3

8(5)

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying ~~Letter~~ Petition Registered No. 799 dated 18. 9. 97 received at the Dewan's Office from Nirgantis Pillija and Kempeli of Kaimara Siddaphatta Taluk, complaining that a portion of their service Inam lands has been directed by the Deputy Commr to be placed at the disposal of the Heads of the village on the ground that it is a portion of the Jodi is forwarded, together with its two enclosures (Inam Commr) to the Deputy Commissioner, Kolar District for submission of the entire proceedings connected with the case, including those of 1845 and 1865.

2. The Petition with its enclosures should be returned.

By order,

Cr Draft-

BANGALORE, 189

For Secretary.

1/10/97

Information sent-
issued to Petr from camp.

Presented in person
16/3/96

PETITION DEPARTMENT
REGD. NO. 2338
DATE 16-3-96

5-8

5-4-95

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying ~~Appeal~~ Petition

Registered No. 2328 dated 16-3-95

received at the Dewan's Office from

is forwarded, together with its enclosure, to the

with the observations

report

for

1898

59

Subd with Dy Com's Subsequent
No 3463
1014 dt 10-4-98

MK
19.4.98

This Case is similar to one
that arose in Bangalore Dt (Guruvee
& Sambaya)

Recd leaf
MK 22/4/98 Standing Council case

Subd with precis
Blon.
30/4

Subd & Recording with precis
MK 5/5/98

Subd & Recorded
19-5-98

Remarks by the Rev. Councillor,
E. Da.

Please call for the records
29-5-98

Decided
MK 4/6/98

2/6/98

Gen. 31.] 189

REVENUE DEPARTMENT
Gl. No. 7509
APR 98
DEWAN'S OFFICE

From The Deputy Commissioner
Kolar District

To

The Secretary to the Government
Board of Mysore
Revenue & Revenue Dept
Bangalore

Dated 9th April 1898
Despatched 14th do —
Received
General No. 3447 dt 15/7/98
No. 1012
Enclosures No. a file & record.

Subject report of the facts of the case regarding the petition of Pillaya and Venkatiya, Nirgantisa Kaivara village, Sidlaghatta Taluq, about their service Inam land

Put up
16.4.98

Office to file please
19/4/98 & Rev Adv's notice

Rec'd 18/4

No. 3447 Su: a file
1012 Records.

Kolar, Deputy Commissioner's office
Dated 9th April 1898.
14th

To

The Secretary to the Government
of Mysore
General and Revenue Department

Sir

Adverting to Government official memorandum no. Ret Camp! dated 2nd October, 97 and 15th September 97 and reminder noted in the margin, calling for a report of the facts of the case regarding the petition of Pillaya and Venkatiya, Nirganties of Kairana village, Siddaghatta Taluq complaining that a portion of their service Inam lands has been directed to be placed in the possession of Patels of the same village, I have the honor to state as follows:

no. Ret 1030 dated 16/17 - 2 98

no. Ret 1152 dated 16/17 - 3 98

2. Dry land survey no. 231 situated

situated in the said village —
measuring 2 – 38 acres in extent,
(it is apparently doubtful whether
the whole number or about 1-38
quantas is in dispute), forms the
subject matter of dispute between
the petitioners on the one hand
who are the Nirgantis of the vil-
lage and one Hanumanthapa
on the other, who is the Zoty there-of.

3. On 3rd December 193, Zoti Hanu-
manthapa Complained to the
then Deputy Commissioner that the
land in dispute had indentally
been taken possession of by the
Nirgantis (the petitioners) and
enjoyed by them, though it formed
one of Zoti Inam lands and the
assessment thereof also was being
paid by him and his ancestors.

4. The Amildar held an inquiry
into the case and the petitioners
(Nirgantis) alleged before him
that they were in possession of the
land

Before the records disappeared that it was a case between

land in question since the time of their own ancestors in accordance with a long standing agreement between them that they should enjoy half the share in the Inam lands and allow the Dotis to enjoy the other half of their own Inam lands. They produced in support of this allegation a copy of an order dated 31st May 1845 and an endorsement given to them by the District officer in 1865 The Dotis on being examined denied the above allegation and stated that the petitioners were enjoying the land in question by force inasmuch as it formed one of the Inam lands attached to his own office.

5. On a perusal of the records of enquiry submitted by the Amildar, the then officiating Deputy Commissioner, Mr B. G. Krishna Iyengar held that the petitioners had not proved their allegations and passed an order dated

dated 2.st march 76 directing them
to hand over possession of the
land to the 20th with the observa
tion that the parties had 2 exam-
ties attached to their own offices,
and that neither party was enti-
tled to enjoy the lands attached
to the office of the other in the
absence of any Government order.
6. The petitioners urge in their
appeal petition to Government
the same grounds put forthe by
them before the Amildar. It must
be stated that though they failed
to establish the exchange and it
has been found as a fact
that the 20th is not in possession
of any Nirgunti manium, the
enjoyment of the land in dis
pute by the petitioners admitted the
long standing and that the
document of 1845, produced before the
Deputy Commissioner, refers to
some adoption of a Nirgunti

to

to the Zoti and enjoyment of the Zoti and Singanti marriages in shares between the Zoti and Singanti of that period.

7. The records for accompanying plaintiffs, are submitted herewith for reference as called for.

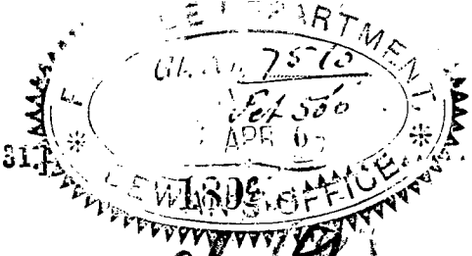
I have the honor to be
Sir
your most obedient servant

Adamyamungo
Deputy Commissioner
Kolar District

Comp 2

Rec'd 18/4 Refs pinteyn Pet-VL 65
Ans 18/4/98 S. & G.S

Gen. 31.



8C 9

From the Deputy Commissioner
Kolar district.

To

The Secretary to the Government
~~Devan of Mysore.~~
General & Revenue Departments.

Dated 10th/11th April 1898.
Despatched 15th do
Received

General No. 3463
No. 1014 } 1897-98
Enclosure No. 2

With reference to Government official memo no. Pet 1255 dated 6th April/98, I have the honor to state that the report called for in the case of Pillaya and another, Minorities of Kaivara village, Sidlaghatta Taluq, has been submitted in this office no 3447/1012 dated 9th instant.

2. The petition with its enclosure received with the official memo under reply, is herewith returned as directed.

I have &c
for Deputy Commissioner
Kolar District

16

1898 (16)

From

The Secretary to Govt
Genl and Rev Depts

To

The Deputy Commissioner
Kolar Dt

Dated 6th
Despatched 7th June 98.
Received
General No. 11362 f.
C.A. No. 79-97

Enclosure No.

The Deputy Commissioner's letter No. 3667 dated 9-6-97 1012 representing on the petition of Pillige and Venkatiga Nigandlu of Kannara village in the Siddaghatta Taluk, about their service Inam lands ——

In returning the records and the petition received with the above for reference and reconsideration, has the honour to invite the attention of the Board to this office No. Rev 1 dated 18th October 1897 and to observe that the record relating

+ಡಿ ಸಿಸಲ್ಲಿಗೆ
ಸಿ ಸಿಲ್ಲಿಗೆ
1-6-98

relating to the proceedings

of 1845 and 1855, called

for therein, ~~may be~~

~~Submitted~~ has not been

Submitted and to request

the Govr to be good

as to supply the omission.

By order

Revr.
E. Lee.
29.5.88

for Secretary

2/6/88

— 68 —

Jan. 81.

3(11) 189

REVENUE DEPARTMENT
Dt. 5 SEP 1898
SECRETARIAT'S OFFICE

continue the precis (left)

10/9/98
2nd Memorial
10/9/98

From

The Deputy Commissioner
Kolar District

To

The Secretary to the
Govt. Dewan of Mysore.
General and
Revenue
Departments

Dated 2nd September 1898.

Despatched 30 — Do —

Received

General No. 964 } 1898-99
No. 266 }

Enclosures No. Title Deeds &
per Petn attached

Submitting the Proceedings of 1865 in connection with the Jati and Sirgani Service Inam Lands of Kyasara village in the Sidlaghatta Taluk.

Rec'd Petition B
5/9/98 PM

Rd on 6/9/98

07 79/97 relating to the
Subject as per top.

AK
7/9/98

Subd
MLY
9/9/98

Kolar Deputy Commissioner's
Office
Dated 2nd September
1898

No 964 Re. copies of papers
266 as per Memorandum.

To,

The Secretary,
to the Government
of Mysore
General and Revenue
Department.

Sir,

As required in your ~
Memo No 11362 dated the 6th June
Pet # 79-97
1898 and the reminders noted in
the margin, I beg to submit the
proceedings of 1865 in connection with
the Jati and Nirgunti Service Inam
Lands of Kyamara village in the ~
Sidlaghatta Taluk, and to state ~
that the records of 1845 are not
available in this office. The only
document forthcoming is the order
dated the 31st May 1845 from the late
Bangalore Division Superintendent's
office to the then Amildar, of
Amblajeedroog in Hindu character
and it is filed along with the
records herewith re-transmitted. It

is

is marked No 34 in the Persian thereof. A Kanarese translation of this document is also filed with the records together with another paper in Kanarese purporting to be a translation of the Sirdesai report No 104 dated the 24th May 1845 from the late Ambajeerao Amildar to the then Bankapore Division Superintendent, the original of which may be in your office where the records of the late Division Superintendents' office are stated to be.

I have the honor to be
Sir,

Your most obedient
Servant,

Deputy Commissioner
Kolar District.

15476

ಕಾಲ ಎಲ್ಲಾಕಡೆ — ಭಾರತಕ್ಕೆ ಎಲ್ಲಿಂದ ಕೆಲಸಕ್ಕೆ ಬಂದ ಜನ
ಕಡಿ ಎಲ್ಲಿಂದ ಕೆಲಸಕ್ಕೆ ಬಂದ ಜನ ಕೆಲಸಕ್ಕೆ ಬಂದ ಜನ
ಎಲ್ಲಿಂದ ಕೆಲಸಕ್ಕೆ ಬಂದ ಜನ — ಎಲ್ಲಿಂದ ಕೆಲಸಕ್ಕೆ ಬಂದ ಜನ
ಕೆಲಸಕ್ಕೆ ಬಂದ ಜನ ಕೆಲಸಕ್ಕೆ ಬಂದ ಜನ ಕೆಲಸಕ್ಕೆ ಬಂದ ಜನ
ಕೆಲಸಕ್ಕೆ ಬಂದ ಜನ ಎಲ್ಲಿಂದ ಕೆಲಸಕ್ಕೆ ಬಂದ ಜನ ಕೆಲಸಕ್ಕೆ ಬಂದ ಜನ
ಕೆಲಸಕ್ಕೆ ಬಂದ ಜನ

[redacted]

8 8

Proceedings of the Govt Agency

8 (12)

Read:-

(1) Petition of appeal No 87/799 dated 18th Sept 1897 presented by Killego and Venkatiya, Inigantis of Kariara, Chintamani taluk, against the order of the Dy Comm of Kolar, directing the resumption from them and restoration to the respondents Zoto Ramanatha of I-33 out of S. No 231 of the village being part of the Zoto Survey Inam.

(2) Correspondence ending with letter No 964/266 of 2nd Sept 98 from the Dy: Comm Kolar District, submitting the additional records connected with the case.

(3) The records of the case.

Draft for approval
Translation (Capt Hamilton)
S/Asst-Sup
Supt 5-Asst Comm
14/10/98
Work
14/10/98

P
3014/
07.79-97 / 1/11/98

(360)

Order.

Govt observe that all the facts of the case have not been clearly elicited by the enquiry conducted by the Dy Comm & the 2nd Comm who passed the order appealed against does not refer either to the Sept of Inam order of 1865 or to the Dy Sept order of 1865,

1 necessary for the right determination of the matter in dispute

9 3 in shares & was merely the produce divided, the lands being held in common.

(4) Who has been in actual possession and enjoyment of L-No 231 for 12 years prior to the dispute of 1875

3. The proceedings of 1865 submitted by the Dy Commr are not complete, as they do not contain the Dy: Supts final order on Ambajidrug Amildars report No 773/27 May 1865. The Dy: Commr will submit that order on duty there.

4. The entire records are returned for reference and information. I request

Yours obt servt
Dy Commr
Kolaba 20.

~~These enclosures~~ refer to some
usages by which the Indians
~~and the Settlers were jointly~~ have
enjoying Private Indians and
attached to the Reserve
their properties, and ~~a letter~~ a Pl. [illegible]
~~their enclosures~~, the privileges of
the Sale for the removal of Indians and the work [illegible]
their annuity ~~was suspended~~ or for the use of the Indians
2. Under these circumstances
Govt resolve to remand the
case to the Dy Comm^r for a
detailed report on the following
points :-

(1) What was the arrangement
the continuance of which was
sanctioned by Capt. Richards
in 1845?

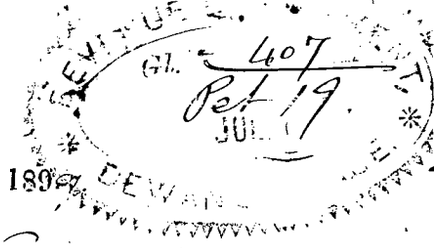
(2) Do this arrangement
the same as that referred to
in the proceedings of 1865?
and if not, when was the former
superseded by the latter?

(3) What was the mode of
enjoyment of the Indian lands
under either of the above
decisions? i.e. were the
Indian lands held separately

~~The proceedings refer~~
[illegible]

91

8/13 (14)



Sub'mitted Previously continued

MLH

17.7.99

Re-

This has to be submitted for hearing by 8/8/99.

FROM The Dy Commissioner
Kolar District

To The Secretary to Govt of Mysore
Revenue Department

Dated 15th July
Despatched 18th July
Received

General No. 233
No. 47

Enclosure No 2 records.

Submits further information in regard to the appeal petition presented by the Riyots of Nivaka village, Chintamani Taluk Complaining of the recruitment from them of Sole Service Inamdars to the said village.

Pet 20/7/99

Recd 21/7.

Pet 19/7/99 Contains 4 pp's
& put up.

AK
24/7/99

Mr Mysore Records Section
Records 24.7.99

27/7/99

Deputy Commr's Office, Kolar

From Dated 17th July

The [illegible]
Kolar District.

To The Secretary to the Government of Mysore
(Revenue and General Department)

Sir,

With reference to Government Proceedings No: 5014 Dated 18th October 1898 calling for further information in regard to the appeal petition received by the Inamdar of Kinnaravillage Chandramouli Chetty complaining of the resumption from them of 100 Cocoanut trees known in the said village, I have the honor to forward herewith copy of letter, No: 58 dated 3rd June 1899 from the General Assistant Commissioner furnishing information on the several points referred to therein.

2. The memorandum papers and accompanying sketch are herewith submitted for further reference and obliging return when no longer required.

I have the honor to be,
Sir,
Your most obedient servant,

[signature]

Deputy Commissioner

93

Encl 5 & 13

General Assistant Commissioner's
Office, Nellore

No: 165 Ex. Dated 19th June 1899.

English correspondence
& 2 files of Canarese
records.

To

The Deputy Commissioner
Kolar

Sir

Adverting to your Roc. No: 218/1329 dated 5th November last, calling for additional information in regard to the appeal petition preferred by Pillya and Venkatappa, Shrotriems of Kyasaram, Chintamani Taluk, regarding the resumption from them of Cowl Service Inam, Survey No: 231 of the said village & have the honor to report as follows thereon.

2 In 1845, Lobi Hemla complained against Shrotriem Pandits, that the latter did not regularly pay to him inam according to the shares held by them, Thereupon the Commissioner of Chittagong Court, to which the village then belonged, reported in his Proc No: 104 dated 24th May 1845, that the Pandits of the above mentioned Shrotriem Pandits admitted the grand father of Lobi Hemla and they were

enjoying

enjoying the mirasi of the Tolli office in equal shares, the Chirgandies having found the work heavy, they appointed a Gumasta out of the Mirasi due, $\frac{1}{3}$rd share was enjoyed by the Gumasta and the remaining $\frac{2}{3}$rds shares equally between Tolli and Chirgandi, after the death of the Gumasta no one was appointed in his stead, but the duties were being performed by the Chirgandi, enjoyed at the same time, the 3rd share held by the Gumasta, Tolli Nayka contended that as the Chirgandi enjoyed an equal share in the Mirasi, he was in return, justly entitled to enjoy $\frac{1}{2}$ a share in the Mirasi of the Gumasta, & he ought— be allowed to, enjoy the mirasi attached to his office as the duties attached to each office were being performed by them. (In this Captain Ware, passed an order No: 17 dated 3rd May 1825 directing that the Chirgandies were entitled to the mirasi in as much as they had been discharging

— the

the name of Vayandi officed for the last 30 years, i e ever since the death of Peter Gamasha.

3 The matter was in 1915 again agitated by the Tories Rev Wadmungar, the then Deputy Commissioner, gave an endorsement directing them to act up to the various orders from which it will be seen, that the arrangement entered in 1915, was in accordance to that existed in 1845.

4 As regards the mode of enjoyment of the Inam lands it is evident from the statement of the Inhabitants taken on 4th July 1894 before the Shanbhag of Siddapatta Taluk, that the produce was being divided between ourselves in the proportion of shares held by each, the lands being held in Common Undivided, as corroborated on the 26th May 1915 by one Manjanna Patil of Vayana, who was the cultivator of the Vayandi Inam land at the time.

5 The Shanbhog and Patil of the village, have declared, before me, that the Tokaya of land at Survey No: 231 measuring 3 Tokayas, was being enjoyed by the Vayandis from a long time, the land was made over to the Tories 2 years ago

as per orders of the Deputy Commissioner.

Appeals against. While the Petitioner states that the whole of Survey numbers are exclude in his possession and enjoyment since their inception.

6 The endorsement appears to have been given to the Petitioner on receipt of the enquiry report which is dated 2-5 May 1865, to adhere to the previous orders issued on the subject in 1863. Please see the latest finalised original order (in Canarese) passed on the above said report.

7 The statement taken from the existing parties are herewith submitted with the entire records in the case. When the records were submitted to Government a portion of it was inadvertently left in the Taluk, they have now been received and attached to the case and thus the papers on the subject are complete.

I have the honor to be,
Sir,
Your most obedient Servant,
(Signed) V. N. Gopalaraya
General Asst. Commr.

Copy.

Asst Secretary

Deputy Commissioner
Bellary

(15) 97

Proceedings of the Govt of Bijapur

K 14

Read:-

Correspondence ending with letter No. 233/47 dt. 8th July 1899 from the Deputy Commissioner, Kolar District, submitting a copy of letter No. 1653 dt. 11th June 1899 from the Asst Commr, Kolar District in reply to G.O. No. 3944/P.S. 79-97 dt. 8/12/98 forwarding the appeal of Nigani Pillya of Kurara, Chintamani Taluk, for the submission of findings on certain issues.

Also Order thereon:-

The Deputy Commissioner should submit, as early as possible, a distinct finding by himself on each of the issues remitted with Govt Regs No. 3944/P.S. 79-97 dt. 8/12/98. The Govt consider that the Deputy Commr ought not to have delegated this duty to an Assistant Commr.

C. to R.C. Draft [signature] for Secretary

To The Dy Commr, Kolar dist, with records

Draft for approval
Put up to 1st Commr
15/9/99.

12168
21-9-99

15/9/99

Sup & Rec. c to S.

15/9/99. No. 2404/P.S. 79-97 dt 21-9-99. Order thereon:-

(Sd)

Rd 16/9/99.
220

Approved
19/9/99

15/9/99

X 29-9-99
21-9-99

98

815

1899

REVENUE DEPARTMENT
Gl. No. 2971
NOV 7 1899
No. P.C. 43
CHIEF COMMISSIONER'S OFFICE

From The Deputy Commissioner
Kolar District

To The Secretary to the Govt
of Mysore Revenue & General Departments

Dated 1st November 1899

Despatched 6th "

Received

General No. 1549

No. 1300

Enclosure No. 1 file

Submitting findings
on the various issues
connected with the appeal
of Sriyuta Pellija of
Hyvara in the Chintamani
Taluk

Put up
7.11.99
Rd 8-11-99

Rept put up.
(P.T. 7 of 97)

AK
10/11/99

To Annual Clerk
11.11.99

Deputy Commr's Office, Kolar.

From Dated 21st December 1897.

The Deputy Commissioner
Kolar District.

To

The Secretary to the Government of Mysore
Revenue and General Departments.

Sir

Adverting to Government Proceedings
No. 2404
Pet J 79-97 dated 20th/21st September 1897 calling
for a distinct finding on each of the issues
remitted with Government Proceedings No. 3014
Pet J 79-97
dated 18th October 1897 regarding the appeal
of Chinganki Pillaja of Tamaka in the
Chintamani Taluk, I have the honor to
submit my findings on various issues
therein set forth as specified below.

Issue No: What exactly was the arrangement the Cadambas which was sanctioned by Captain Haines in 1845.

2. At Camaree translation of Captain Haines Muchulka dar is filed with the records It would appear from the same that among other Boyars, Pillas to 345, the Patels of the then Chinganki Pallu adopted the Pramukh Patels of Choti Mangla and they were enjoying the emoluments of the said office in equal shares. The work connected with Chinganki

Office

office having been found heavy a punnaka
was appointed, the thaly niganti, and the
punnaka enjoying 1/3 rd share each. After
the death of the punnaka none was
appointed in his stead, but the duties
were being performed by the niganti who
enjoyed the deceased punnaka's 1/3 rd share
in addition to his own. In 1845 Chobi Kempa
complained against niganti Subba that the
latter did not regularly pay him the niganti
monies according to the shares held by
them, the enquiry was held by the Amildar
of Chinbapitnagar taluk to which the village
then belonged. On the Amildar's report Capt.
Haines passed an order in May 1845 directing
that the niganties were entitled to the
Mirasi in as much as they had been per-
forming the work of niganti office for
the last 30 years i.e. ever since the death
of the punnaka.

3. It will be observed that it was not
a new arrangement, the arrangement e
xisted for the last 30 years, was ordered
to be continued in the order of 1845.

Ju

no separate order to the said on the
Sanitary drawing, Inspector's report No: 79
dated 29th May 1965 but it is simply
noted on the report under his initials
that endorsement has been given to
the parties to act up to the previous
order issued in the matter. It appears
that the endorsement was given to the
petitioners direct but no copy was filed
with the record of the case.

8. The statements recorded by me
are herewith submitted together with
the entire records received with the
Government Proceedings under acknowledg
-ment.

I have the honour to be,
Sir,
Your most obedient Servant

Deputy Commissioner
Kolar District.

Kaunga who was the cultivator of the Kiyanda
Imma land at the time made his statement
given in May 1865 the Kaikimea have then
further stated before the Commissioner that
the Koke name failed to take their 1/4 share
in the Kiyanda Imma from the time of
the last famine of Kaki 1847.

12 Nie No: 4 Who has been in actual possession and enjoyment of Survey No: 231 for 12 years prior to the institution of 1893.

The Ipunt Shanbhogues, the Kokis and other Kiyandas were examined by me and they all state that prior to 1893 Survey Nos: 231 was being enjoyed conjointly between the Kiyandas and Kokis. But the Koki Hanumantaya on being examined denies that Kiyandas enjoy any part of the Survey No: 231 therefore he admitted that they had lingied a part of the land and left it fallow from this statement it may be very fairly presumed that the Kiyandas were enjoying a part of Survey No: 231 with the Kokis prior to 1893. The Kata of the Imma land under this suit stands in the name of Koki

In fact regards the proceedings of 1865, it will be seen that the Kikimeya accused

no

Issue No: 2 24

In 1865 the matter was again agitated by Shoki Kenchappa Hegde Kirchmenjar the then Deputy Superintendent issued an endorsement directing the parties to act up to the previous orders i e the order of Captain Haines issued in 1845 above referred to.

this arrangement the same as that referred to in the proceedings of 1865 which refer to some joint enjoyment of the Inams in question and if not when was the former superseded by the latter.

4. It will be seen from the above that no alteration or modification or injunction of the previous arrangement was allowed to be made.

5. There is no documentary evidence to show how the Inam lands were enjoyed by the contending parties however, from the statement of the witnesses made before the Shirastadar of Sidlagatta on 4th July 1874 it would appear that the Virganties and the Shokies were enjoying the produce in the proportion of their respective shares, i e Sokies enjoying $\frac{1}{2}$ share of the produce in the Sokie Inam and $\frac{1}{4}$ share in the Virgandi Inam and the Virganties the remaining shares the lands being held in Common. This fact was also supported by Nanjanna Patail of Kaiwara

Issue No: 3 What was the mode of enjoyment of the Inam lands under either of the above decisions i e were the Inam lands held separately in shares or was merely the produce divided the lands being held in Common.

(+8)

16.

104.

Reg: of the Court of Inquiry

Appts & Respts

(1) [illegible]
(2) [illegible] & The Commissioner

Read:-

Petition of appeal No. 799/A.S.87 of 97-98 received from the appellants named above, against the order of the Dy Comm^r, Kistna Dist^t, directing their ejection from a portion of C.S. No. 231 of Kurada village, Chintamani Taluk, and the restoration of the land to the respts.

(2) Correspondence ending with letter No. 549/300 dt 1-11-97 from the Dy Comm^r, Kistna Dist^t.

(3) Records of the case

— " —

The proceedings in this case arose out of a petition presented on

Dismissed
Sd/- D. Stewart
Member following the Rev^e Order.
5/11/02
13355
11/11/02

Sent to Rev^e Dept
9/4/02

16/4/02
666

39-12-93 to the day Comm
by Sati Ramanandappa
(Respt) complaining that
the Virgantis of the village
(appts) had forcibly dis-
possessed him of a portion
(measuring 1 ac - 38 g) of
S. No 231 (measuring 2 ac
38 gs) forming a part of
the Sati Service Inam. In
the Enquiry held by the
Amildar, the Virgantis
alleged that the enjoyment
by them of the land in
question was of long standing,
that the anamali by which
they, the Virgantis, were
in possession of a portion
of the Sati Service Inam
had been twice complained
of, once in 1845 and again
in 1865; that on both

the occasion, the complainte ~~plaintiffs~~ were rejected and that the toti was in possession of ~~part~~ the property ~~in~~ the Nizamti Inam till 1877. They therefore pleaded that this possession might be left undisturbed. The toti, on the other hand alleged that the unauthorized possession of the land by the Nizamtis was subsequent to the Survey settlement (1835) and urged that as at the Survey settlement, ~~a~~ Sr. 231 had been ~~designated~~ recognised as toti Inam and as he was paying the assessment, the land should be restored to him. The Pleader objected that the Nizamtis enjoyment

of the land was 20 years old while the Mandelsloy asserted that the enjoyment was subsequent to the Survey Settlement.

2. The Offg: Dy Commr (Mr B. Lt. Hirschmiengar) observed that while the Supt^te order of 1845 and the Dy Supt^te order of 1865 referred to the enjoyment by the Jote of 1/4 th shares in the Pirganti Pali, the Jote was not, in point of fact, in possession of any portion of the Pirganti Company that while the duties of the two offices were performed by the respective Pattidars, the Enjoyment by the Pirgantis of a portion of the Jote Inam was.

2/

was unauthorized and illegal. He accordingly directed on 21-3-96 that the land in question should be placed in possession of the Cato and that order was carried out on 15-5-96.

3. In reporting on the appeal preferred by the Nizamate to Govt., the Dy Comm^r (Mr A. Ranga-Ramanujam) stated that although the exchange of Inam lands as referred to in the orders of 1845 and 1865 was not proved, the enjoyment by the Nizamate of the land in question was admittedly of long standing and that the Supt's order of 1845 referred to some adoption of a Nizamate

X The order from the Date of the adoption of the Nizamate family

to the title and enjoyment
of the Zoti and Nizamti
Mangaras in shares between
the two officiators of that
period. In submitting the
findings on certain issues
remitted vide Govt Regn
No 3014/8779-97 of 18-10-95, the Dy
Commr (Mr Parker)
reports that the possession
by the Nizamtis of the
land in question is of
long standing

Order. No 8.8.10/8779-97 of 25.6.00. (157)

There is evidence of
there having been an
adoption from the Zoti* Nizamti
family to the Zoti family
and to a genuine (being
appointed on behalf of the
Nizamti and the Zoti
and each of them enjoying
equal shares of khatras
left after paying the Jamma

* Please see note above.
In the Gazetteer of the 5/11/95,
the order of 1845-6 confirming

It is difficult at this distance of time and with the conflicting evidence to decide in what shares the respective Makolwa enjoyed the profits in each other's Gardens, but the facts are sufficient to show that it is not unlikely that the enjoyment by the Virgates of a portion of land in the Toti Garden might have taken its rise from the mutual adjustments made during the time that the profits were being shared between them. But whatever the explanation might be, the present finding of the Jury seems is that the enjoyment by the Virgates of a

portion of S. No 231 in the Tati Estate is one of long standing. The Lady Executrix's order will be reversed, the land in question being restored to the appellants and recognised as a portion of the Nizamati Estate. The Costs and other charges of the Executrix will be ordered to be paid by their respective holders.

for more than 20 years and cannot be interfered with

A.H.

Draft

Secretary

To The Lady Executrix Tati
Bibi with two Decrees

Compd
Bom
5/8.

28-5-1900

27-6-1900

had nothing
more anything
about this?
I'm sent it
to the Judge
the share of land
No 231 in dispute
& the enjoyment of rights
as heretofore - why
not so done then? If
any litigation in
regard the share would
remain. I see no point
in
it.
14/6/00

I agree that the
decision is not
necessary.

28/5/1900

112 (11)

ನಂಬರ್ 301-799/ಎ2

27-6-00.

817

ಮುಖ್ಯಾಧಿಕಾರಿಗಳಿಗೆ-ಬರೆಯುವುದ

ಬಿ.ಂದಾಸ್ತಿನಿಂದಾಯ್ಕೆಮಾಡಲ್ಪಟ್ಟ
ಮಹಿಳೆಯರಿಗೆ ಸಂಬಂಧಿಸಿದ್ದಾಗಿದ್ದು
ಸಂಬಂಧಪಡದವರಿಂದ ಅಂತಿಮಗೊಳಿಸಲ್ಪಟ್ಟ

ಸರಕಾರಿನಿರ್ದೇಶನದಲ್ಲಿ
ಇದಾಂತೆ ಸೂಚಿಸಲಾಗಿದೆ 23 ನೇ ಬಿಂ
ನೇಮಕ ಮಾಡಿರುವ ಬಗ್ಗೆ
ಸಲ್ಲಿಸಿರುವ ಪ್ರಸ್ತಾವನೆಯ
ಸರಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ ಅಆಪ
ದಿನಾಂಕ 12-4-97 ರಲ್ಲಿ
ಅಧಿಕೃತ ಆಜ್ಞೆಗಳನ್ನು
ಮಾಡಿರುವ ಸರಕಾರದವರು
ಮಂಡಿಸಿರುವ ಪಟ್ಟಿಯಲ್ಲಿರುವ
ಸದಸ್ಯರುಗಳನ್ನು ಸರಕಾರದಿಂದ
ಆಯ್ಕೆ -

ಮೊದಲಿನ ಸರಕಾರದ ನಿರ್ಣಯ
ಸರಕಾರ ಒಂದು ದಶಕ ಆಸಾಧ್ಯವೆಂಬ
ಮೊದಲಿನ ಸರ್ಕಾರ ನಿರ್ಣಯವನ್ನು
ತಿಳಿಸಲು ಪ್ರಯತ್ನಿಸಿದಾಗ- ಒಬ್ಬ
ಸದಸ್ಯನು ನೀನು ಸರಿ- ನಾನಿದ್ದೆ ಅವನ
ಕೈಕೆಳಗೆ ಜಿಲ್ಲಾ ಬಾತೆ- ಉಳಿದವರು
ಸದಸ್ಯರನ್ನು ಉಚ್ಚಾಟಿಸಿ-ಕೈಗಾರಿ